

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

|                               |   |  |
|-------------------------------|---|--|
| <b>JENNIE COURTNEY, ETC.,</b> | ) |  |
|                               | ) |  |
| <b>Plaintiff,</b>             | ) |  |
|                               | ) |  |
| <b>vs.</b>                    | ) | <b>Civil Action No.: 2:06-CV-00600-MHT</b> |
|                               | ) |  |
| <b>ANTHONY CLARK, et al.,</b> | ) | <b><u>EXPEDITED HEARING REQUESTED</u></b>  |
|                               | ) |  |
| <b>Defendants.</b>            | ) |  |

**DEFENDANTS COVINGTON COUNTY SHERIFF ANTHONY CLARK AND  
COVINGTON COUNTY DEPUTIES JERRY EDGAR AND  
WALTER INABINETT’S MOTION TO STRIKE**

COME NOW Covington County Sheriff Anthony Clark (“Sheriff Clark”), Covington County Deputy Sheriff Jerry Wayne Edgar (“Deputy Edgar”), and Covington County Deputy Sheriff Walter Inabinett (“Deputy Inabinett”), Defendants in the above-entitled action (hereafter, collectively, the “Defendants”), and, contemporaneously with their Objection to Motion to Amend Complaint (hereafter, the “Objection”), file this Motion to Strike Plaintiff’s Motion to Amend Complaint (hereafter, the “Motion to Amend”). As grounds therefore, Defendants show unto this honorable Court the following:

1. On November 1, 2006, the Plaintiff filed a Motion to Amend Complaint, along with her First Amended Complaint, alleging additional “facts” against Sheriff Clark, Deputy Edgar, and Deputy Inabinett, and asserting one additional cause of action against those defendants. Those “facts” are contained in paragraphs 21 and 22 of the Plaintiff’s Motion to Amend; the additional (fourteenth) cause of action is contained in paragraphs 65 through 67 of the Motion to Amend.

2. As set forth at length in the Defendants' Objection, the additional allegations and cause of action contained in the Plaintiff's Motion to Amend were pled for improper political purposes, specifically, to influence the imminent election for Covington County Sheriff. Furthermore, Defendants contend that the Plaintiff's claims contained in her Motion to Amend are frivolous and not warranted by either existing law or fact. Therefore, said allegations are due to be stricken from the record.

3. As further set forth at length in the Defendants' Objection, the Plaintiff's additional allegations do not constitute a federal cause of action and therefore are irrelevant and add nothing to this action. Those allegations are therefore due to be stricken from the record.

ABOVE PREMISES CONSIDERED, Defendants Covington County, Alabama, Sheriff Anthony Clark, Deputy Jerry Edgar, and Deputy Walter Inabinett request that the Court issue an Order striking paragraphs 21-22 and 65-67 from the Plaintiff's Motion to Amend Complaint.

Respectfully submitted, this 2nd day of November, 2006.

**s/Gary L. Willford, Jr.**

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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 2nd day of November 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

|  |  |
|--|--|
| Will G. Phillips, Esquire<br>J. David Greene, Esquire<br>Britt V. Bethea, Esquire<br>Greene & Phillips<br>50 N. Florida Street<br>Mobile, AL 36607 | Bert P. Taylor, Esquire<br>Taylor Ritter, P.C.<br>P. O. Box 489<br>Orange Beach, AL 36561  |
| Steven K. Herndon, Esquire<br>Matthew Y. Beam, Esquire<br>Gidiere, Hinton, Herndon & Christman<br>P. O. Box 4190<br>Montgomery, AL 36103           | Alan T. Hargrove, Jr., Esquire<br>Richard Brett Garrett, Esquire<br>Rushton, Stakely, Johnston & Garrett<br>P. O. Box 270<br>Montgomery, AL 36101-0270 |

and by sending via U.S. Mail, postage prepaid, to the following:

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|--|--|
| Oscar Roy Doster, AIS # 177168<br>P. O. Box 150<br>Mt. Meigs, AL 36057 | James Darren Harnage, AIS # 239251<br>P. O. Box 150<br>Mt. Meigs, AL 36057 |
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**s/Gary L. Willford, Jr.**  
OF COUNSEL